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May 13, 2025

BY ECF

Honorable Gregory Woods
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

USDC SDNY
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MEMORANDUM ENDORSED

Re: Best v. James Merchant, et al.
21-CV-779 (GHW)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and the attorney for Defendants James Merchant and Steven Acosta in the above-referenced case. I write on behalf of Defendants to respectfully request that the Court convert the Status Conference currently scheduled for May 16, 2025 at 2:00 pm to a telephone conference, or alternatively, reschedule to May 21, 2025. This is Defendants' first request for an adjournment of this conference. Plaintiff did not respond to Defendants' request for consent.¹

On May 12, 2025, Defendants appeared for a telephonic conference before Your Honor at 4:00 p.m. Plaintiff did not appear and the conference was adjourned. On May 12, 2025 date, the Court scheduled an in person Status Conference for May 16, 2024, at 1:00 pm. (ECF Nos. 214, 217).

I am making this request as I will be out of town for a pre-scheduled family event on May 16, 2025 and therefore unavailable to participate in the conference in person. Therefore, Defendants respectfully request that the Status Conference be converted to a telephone conference as counsel will be unavailable to appear in person on May 16, 2025, at 1:00 pm.

¹ Given the time sensitive nature of this request, Defendants reached out to Plaintiff via email at 1:30 pm on May 13, 2025 and requested that he respond by 5:00 p.m.

Alternatively, Defendants request that the Status Conference be rescheduled to May 21, 2025, or an alternative date convenient to the Court

Further, Defendants' anticipate filing a Motion for Summary Judgment which is currently due on May 30, 2025. Defendants anticipate requesting an extension of the deadline in light of Plaintiff's discovery request and believe that a briefing schedule should be set during the status conference with Plaintiff in attendance once the pending discovery issues are resolved.

Defendants thank the Court for its time and consideration of these requests.

Respectfully submitted,

/s/ Jessica M. Ochoa

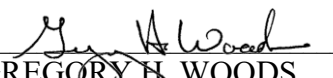
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Application granted. The conference scheduled for May 16, 2025 is adjourned to May 21, 2025 at 1:00 p.m. in Courtroom 12C of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, New York, 10007. The deadline for filing motions for summary judgment is extended *sine die*. Defendants are directed to serve a copy of this order on Plaintiff. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 218.

SO ORDERED.

Dated: May 13, 2025
New York, New York



GREGORY H. WOODS
United States District Judge